IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 1ST NOVEMBER 2007 / 10TH KARTHIKA 1929

Crl.Rev.Pet.No. 250 of 2003()

CRA.110/1998 of SESSIONS COURT, MANJERI
ST.665/1993 of MUNSIFF – MAGISTRATE J.F.C.M. COURT, PONNANI.
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REVN. PETITIONER: APPELLANT/ACCUSED

P.SURESH BABU, S/O SANKARAN,
KADAVANAD AMSOM DESOM, PONNANI TALUK.

BY ADV. SRI.K.M.SATHYANATHA MENON

RESPONDENTS: COMPLAINANT/STATE
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1. **THE SUB INSPECTOR OF POLICE,**
   PONNANI.

2. **STATE OF KERALA, REPRESENTED BY PUBLIC**
   PROSECUTOR, HIGH COURT OF KERALA,
   ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 01/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRRP. NO.250/2003

ORDER ON CRL.MP. NO.841/2003 IN CRRP. NO.250/2003

DISMISSED

01.11.2007 **SD/- K.R.UDAYABHANU , JUDGE**

/TRUE COPY/

P.S. TO JUDGE

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K.R. UDAYABHANU, J.

CRL.R.P.NO. 250 OF 2003

DATED THIS THE 1ST NOVEMBER 2007

ORDER

The revision petitioner is the accused in S.T.No.665/1993 with respect to the offences under Sections 279 and 338 I.P.C. who stands convicted and sentenced to undergo rigorous imprisonment for three months and to pay a fine of Rs.1000/- for the offence under Section 279 and 338 I.P.C. and in default to undergo simple imprisonment for one month each.

2. The prosecution case is that on on 1-2-1993 at 4.30 p.m. the accused drove KL-8A 1450 car in a rash and negligent manner so as to endanger to human life along the Ponnani-Kundukadavu main road and hit against a cycle rider .

3. The evidence adduced in the matter consisted of the testimony of Pws. 1 to 8 and Exts.P1 to P7.

4. Counsel for the revision petitioner has only sought for modification of sentence. It is submitted that about 14 years have elapsed since the commencement of the prosecution and that so far he was facing the criminal proceedings. It is submitted that he is too poor and that the entire family is depending on his income for their livelihood. Considering the long lapse of time, I find that the sentence

is liable to be modified. Ext.P7 wound certificate shows that PW1 Nassar sustained fracture of clavicle and head injury was suspected and he was referred to a major hospital. In the circumstances the sentence for the offence under Section 338 I.P.C. is modified to imprisonment till the rising of the court and to pay a compensation of Rs.8000/- (Rupees eight thousand only) to PW1, the injured and in default to undergo simple imprisonment for four months. The revision petitioner is granted two months time to remit the amount of compensation. He shall appear before the Judicial First Class Magistrate, Ponnani on 2-1-2008 to receive sentence. The revision petition is disposed of accordingly.

K.R.UDAYABHANU, JUDGE

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K.R.UDAYABHANU, J

CRL.R.P. NO. 250 of 2003

ORDER

1-11-2007